

REMARKS

Claims 1-19 are pending. No new matter has been added. Applicant respectfully requests examination and an action on the merits.

In response to the Office Action dated March 26, 2008, the Examiner requires an election of one of the five groups listed. The Examiner noted that the Preliminary Amendment was not proper and thus was not entered. The Applicant herein lists the claims and includes the canceled claims 20-31 in compliance with 37 C.F.R. 1.121(c). Thus, the Applicant respectfully submits that only claims 1-19 are now pending.

The Applicant respectfully traverses the restriction requirement and submits that claims directed to the first species and the second species should not be examined separately from the remaining claims. MPEP § 806 states that one invention may have multiple species, as long as there are a reasonable number, or if the species are part of the same genus being claimed by the invention. Both the first species of first and second agents and the second species of conditions are limited to a reasonable number of species and form a part of the same respective genus. As such, a thorough search and examination of any one claim reciting the elected species would necessarily encompass the search and examination of the remaining claims reciting the non-elected species. Thus, the search and examination of all the claims in an application can be made without serious burden. For the foregoing reasons, the Applicant respectfully requests that the Examiner withdraw the restriction requirement.

Nevertheless, to the extent it is not, Applicant provisionally elects, with traverse, Group I directed to claims 1-19. In regards to the first species, the Applicant elects Gemcitabine (claim 8) for the first agent and 17-methoxygeldanamycin (claim 11) for the second agent. In regards to the second species, the Applicant elects bowel cancer (claim 15). The Applicant reserves the right to later file one or more divisional applications directed to the subject matter of the non-elected claims.

A favorable action on the merits is respectfully requested.

Conclusion

This response is being submitted with a two-month extension. In the case any fee is owed, please charge deposit account number 03-3975 (ref. 67074-312419). If, for any reason,

the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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